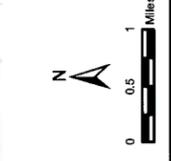
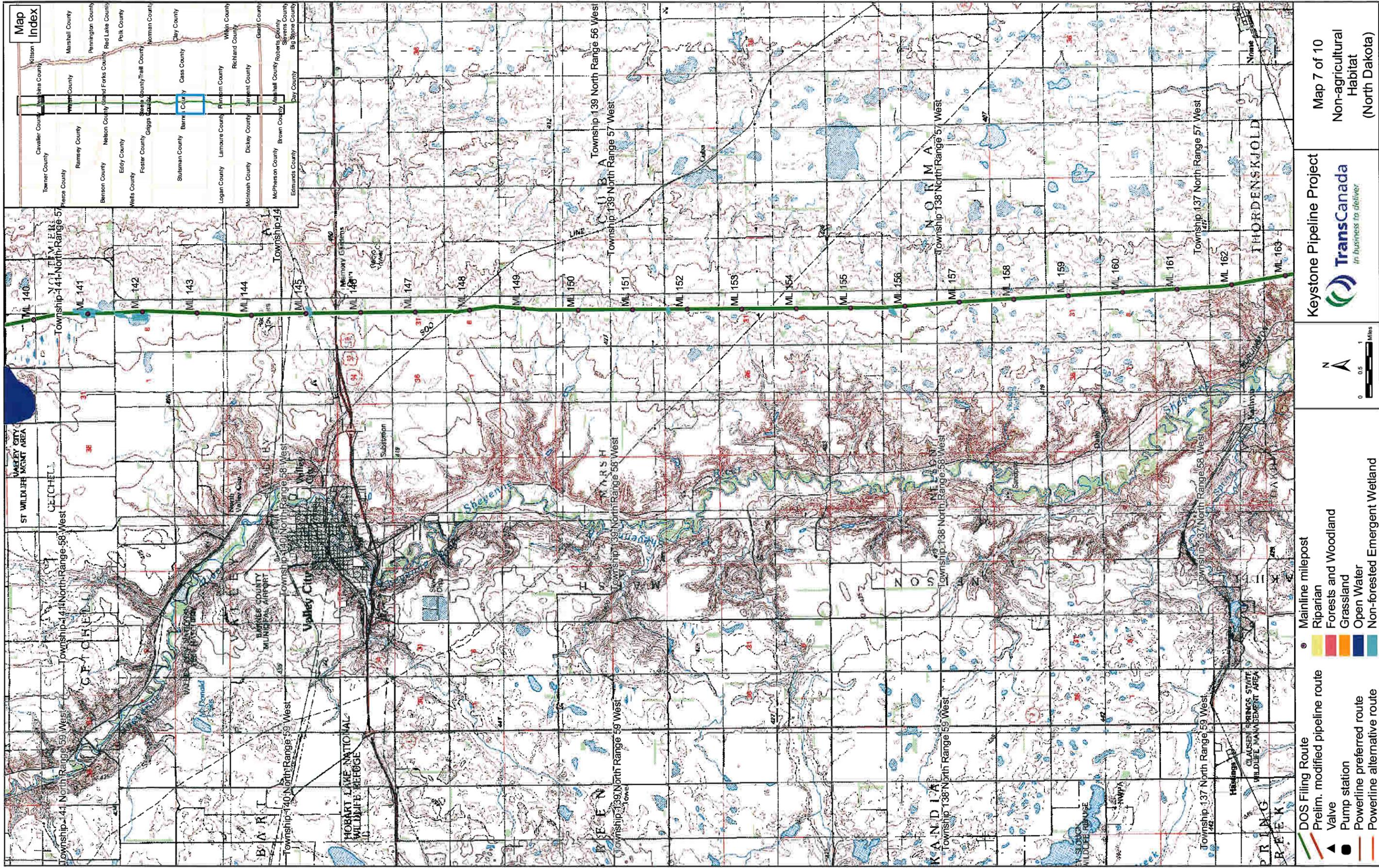


Map 6 of 10
 Non-agricultural
 Habitat
 (North Dakota)

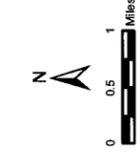
Keystone Pipeline Project
TransCanada
in business to deliver



- DOS Filing Route
- Prelim. modified pipeline route
- Valve
- Pump station
- Powerline preferred route
- Powerline alternative route
- Mainline milepost
- Riparian
- Forests and Woodland
- Grassland
- Open Water
- Non-forested Emergent Wetland

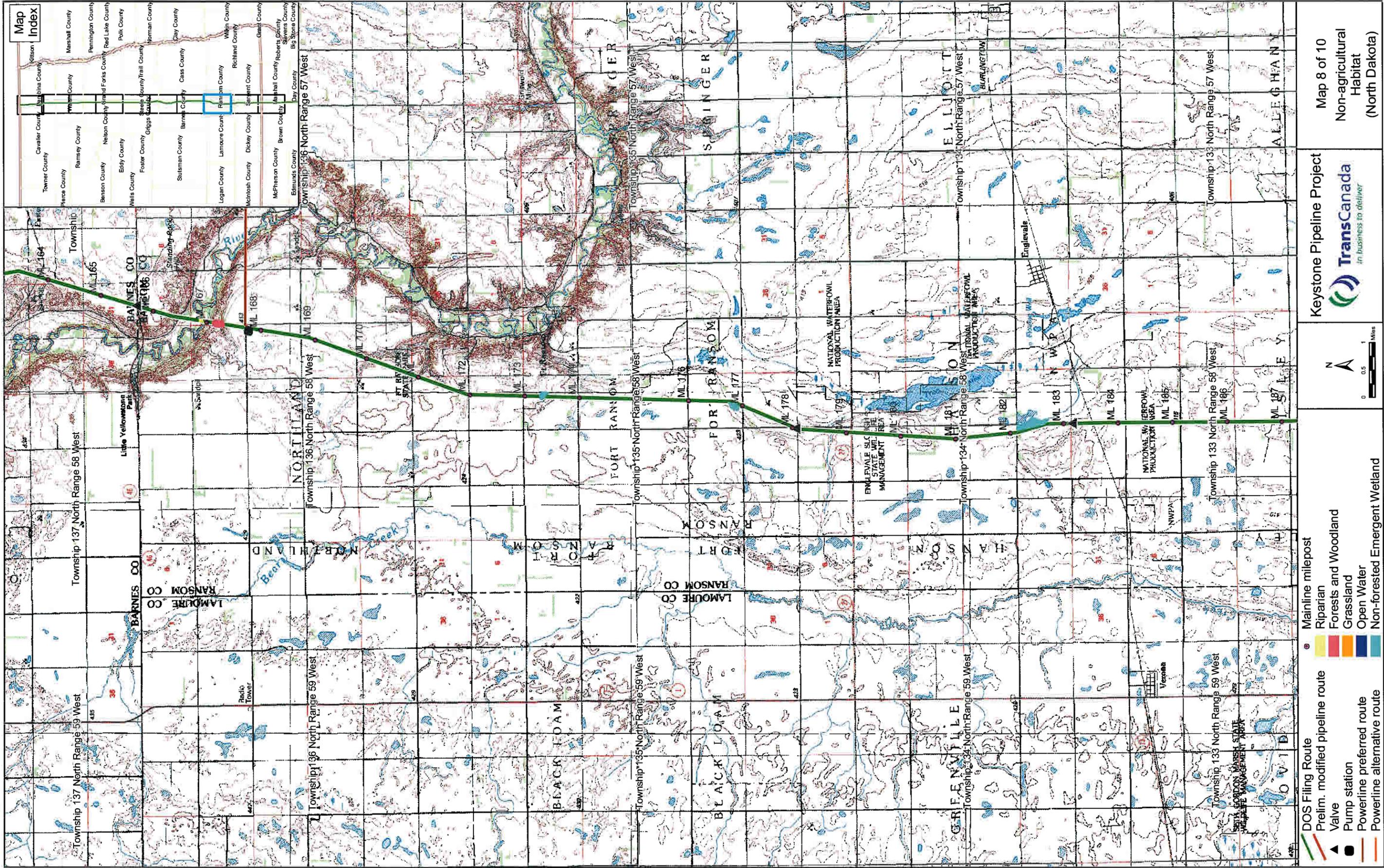


Keystone Pipeline Project



- DOS Filing Route
- Prelim. modified pipeline route
- Valve
- Pump station
- Powerline preferred route
- Powerline alternative route
- Mainline milepost
- Riparian
- Forests and Woodland
- Grassland
- Open Water
- Non-forested Emergent Wetland

Map 7 of 10
Non-agricultural
Habitat
(North Dakota)



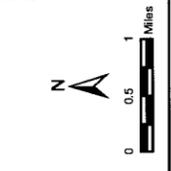
Map Index

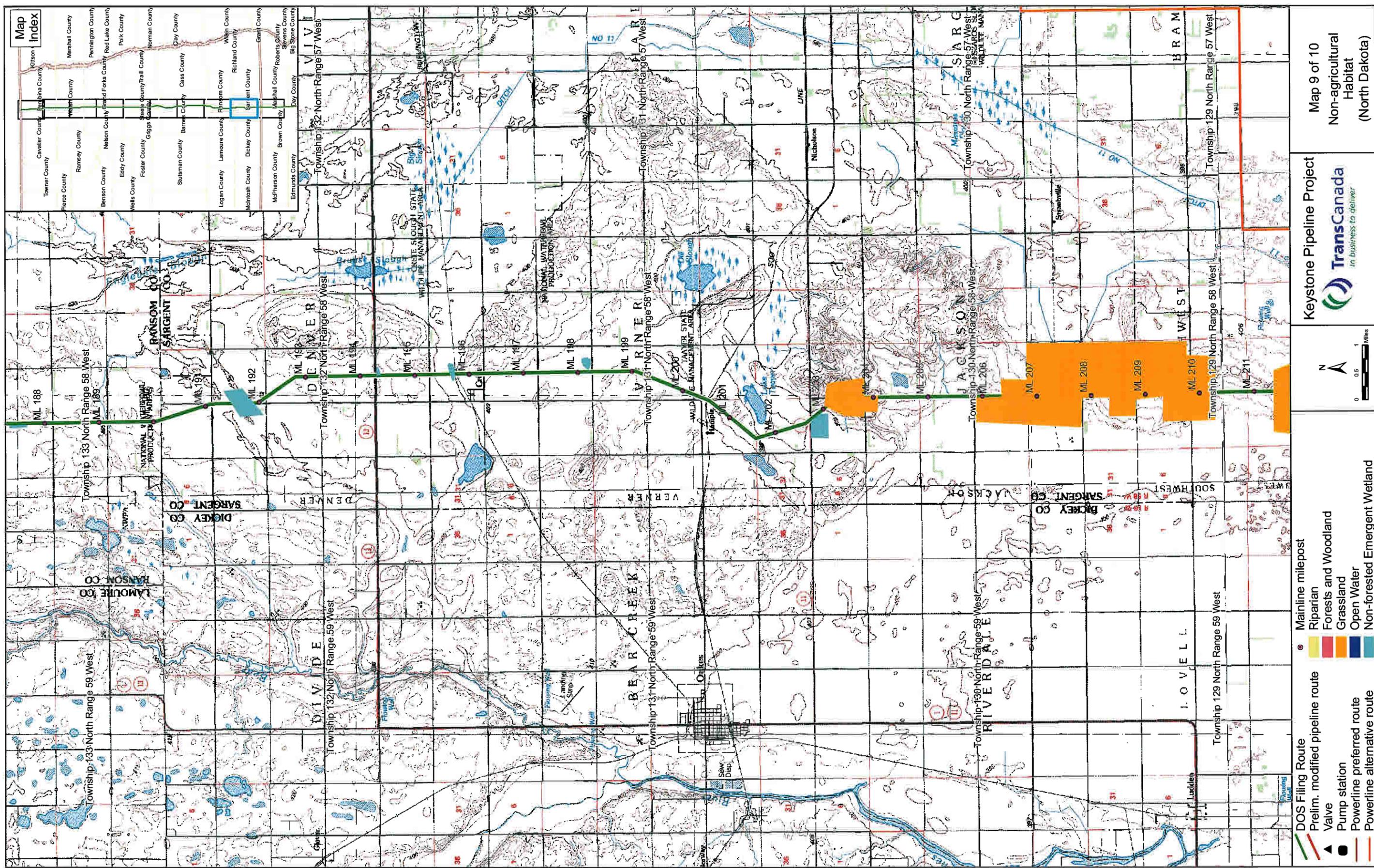
Towner County	Kimball County	DeWitt County	McPherson County	Edwards County	Big Stone County
Pierce County	Cavalier County	Walton County	McPherson County	Edwards County	Big Stone County
Benson County	Ramsey County	Walton County	McPherson County	Edwards County	Big Stone County
Eddy County	Nelson County	Grand Forks County	Read Lake County	Polk County	Norman County
Wells County	Foster County	Griggs County	Stutsman County	Barnes County	Cass County
Logan County	Lamoure County	Ransom County	Richland County	Williston County	Grant County
McIntosh County	Dickey County	Sargent County	McPherson County	Roberts County	Savanna County
McPherson County	Brown County	Edwards County	Big Stone County	Edwards County	Big Stone County

<ul style="list-style-type: none"> DOS Filing Route Prelim. modified pipeline route Valve Pump station Powerline preferred route Powerline alternative route 	<ul style="list-style-type: none"> Mainline milepost Riparian Forests and Woodland Grassland Open Water Non-forested Emergent Wetland 	<p>Map 8 of 10</p> <p>Non-agricultural Habitat (North Dakota)</p>
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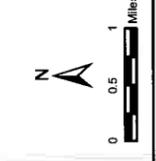
Keystone Pipeline Project

TransCanada
In business to deliver



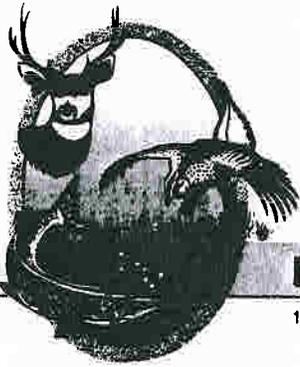


Keystone Pipeline Project



Map 9 of 10
Non-agricultural
Habitat
(North Dakota)

- DOS Filing Route
- Prelim. modified pipeline route
- Valve
- Pump station
- Powerline preferred route
- Powerline alternative route
- Riparian
- Forests and Woodland
- Grassland
- Open Water
- Non-forested Emergent Wetland
- Mainline milepost



"VARIETY IN HUNTING AND FISHING"

NORTH DAKOTA GAME AND FISH DEPARTMENT

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-8300 FAX 701-328-8352

May 4, 2006

Charles Johnson
Senior Wildlife Biologist
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Dear Mr. Johnson:

RE: Keystone Pipeline Project

The North Dakota Game and Fish Department has reviewed this project for wildlife concerns.

As proposed, this pipeline will cross several streams classified as valuable fisheries. These are the Pembina, Sheyenne, Middle Branch Forest, and Tongue Rivers, as well as a tributary to the Tongue River running through section 18, T161N, R56W, Pembina County (Class I); the Goose River (Class II); the North and South Branches Park River (Class III); and the Middle Branch Park and North Branch Forest Rivers (Class IV). We recommend these streams be crossed by directional boring if possible. If this method is not feasible, construction should not take place within the waterway between April 15 and June 1, and controls should be implemented to minimize erosion and sedimentation. We suggest the US Army Corps of Engineers' North Dakota Regulatory Office be contacted for permit requirements under Section 404 of the Clean Water Act.

The National Wetland Inventory maps indicate numerous wetlands within the proposed project corridor. We recommend that steps be taken to protect any wetlands that cannot be avoided, above-ground appurtenances not be placed in wetland areas, and no alterations be made to existing drainage patterns. We also ask that every effort be made to prevent destruction of woody vegetation and any loss of trees and shrubs be replaced on a 2:1 basis.

The State of North Dakota does not maintain an Endangered Species list, but instead defers to the Federal list. We do not believe this project will have any significant adverse effects on wildlife or wildlife habitat, including rare or priority species, provided best management practices are implemented.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. McKenna". The signature is fluid and cursive, with a prominent loop at the end.

Michael G. McKenna
Chief
Conservation & Communication Division

CONFIDENTIAL

FOR INTERNAL KEYSTONE PROJECT USE ONLY

TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR

Date/Time of Meeting 4/28/06

Keystone Team Member(s) Sara Stribley

Contact Information:

Name	Steve Dyke
Title	Conservation Supervisor
Organization	North Dakota Game and Fish Department
Address	100 North Bismarck Expressway Bismarck, ND 58501-5095
County	
Phone	701-328-6347
E-mail address	

Meeting Information:

Type of Contact (phone, in-person, etc.): Phone

Issue: Sensitive Species Consultation Letter Follow-up

Concern Level: High Moderate Low

Description:

I called Steve Dyke again to follow up once more on the sensitive species/habitat consultation letter we sent out. Steve told me that they had received our letter, and that it had been passed on to another staff person. He was not sure of the status of the letter, but was going to check and follow up with me to let me know if they are going to "No Comment" the letter, or send us the information we requested.

Issue: _____

Concern Level: High Moderate Low

Description:



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FOR INTERNAL KEYSTONE PROJECT USE ONLY

TransCanada – Keystone Pipeline Contact Summary Form

Location of Meeting ENSR
Date/Time of Meeting 4/07/06
Keystone Team Member(s) Sara Stribley

Contact Information:

Name	Steve Dyke
Title	Conservation Supervisor
Organization	North Dakota Game and Fish Department
Address	100 North Bismarck Expressway Bismarck, ND 58501-5095
County	
Phone	701-328-6347
E-mail address	

Meeting Information:

Type of Contact (phone, in-person, etc.): Phone

Issue: Sensitive Species Consultation Letter Follow-up

Concern Level: High ___ Moderate ___ Low ___

Description:

I tried calling Steve Dyke on April 7, 2006, but he was out of the office. I left a message for him following up with the sensitive species consultation letters we had sent out on January 24, 2006.

Issue: _____

Concern Level: High ___ Moderate ___ Low ___

Description:

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John Hoeven, Governor
Douglass A. Prchal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@state.nd.us
www.NDparks.com

February 8, 2006

Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Re: ND Natural Heritage Data for the TransCanada Crude Oil Transmission System

Dear Mr. Johnson:

As requested, the North Dakota Parks and Recreation Department has compiled the animal species of concern within five miles of the project area and plant species of concern and significant ecological community occurrences found within three miles of the project area. The occurrences are saved as shapefiles and can be found on the enclosed compact disc. Also included on the cd is a copy of the ND Natural Heritage plant species of concern list, animal species of concern list, and the ND Natural Heritage Methodology and Guide to Biological and Conservation Data.

It is our policy to require the recipient of an electronic data transfer and/or spatial data transfer to sign an agreement for the release of data. Please read through the attached agreement and send a signed version to our office. Upon receipt the NDNHI coordinator will also sign the agreement. A copy of this finalized version will be sent to your office for your records. A standard fee of \$60 has been assessed for the delivery of digital and/or spatial information. Please find an invoice attached.

If you have any further questions or requests feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Chris Dirk".

Chris Dirk
North Dakota Parks and Recreation Department
(701) 328-5360
cdirk@nd.gov

R.USNDNHI*1623

.....
Play in our backyard!

NORTH DAKOTA NATURAL HERITAGE PROGRAM

Agreement for the Release of Data

To

**Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525**

The North Dakota Natural Heritage Inventory (NDNHI), administered by the North Dakota Parks and Recreation Department (Department) will provide spatial information representing occurrences of North Dakota animal species of concern within 5 miles of the project area and plant species of concern and significant ecological communities within 3 miles of the project area. The data includes but is not limited to element occurrence code, global scientific name, global common name, state scientific name, state common name, latitude, longitude, precision of location, county name, township, range, section, site name, managed area name, state rank, global rank, federal status, EO rank, element occurrence data, general description, and last observation.

The NDNHI, for management and conservation reasons, considers this information confidential and sensitive due to the species' vulnerability to intentional or unintentional disturbance. The information in the form in which it is compiled and provided is the property of the Department, and its dissemination is subject to policies and procedures intended to protect its security and thereby the well being of the subject animals and plants.

ENSR (Recipient) requesting access to the North Dakota Natural Heritage biological and conservation database digital data (Biotics) hereby agrees to abide by the terms specified below. This agreement is necessary because of the cumulative nature of the NDNHI inventory. Recipient agrees to the following:

1. The Recipient understands that this agreement and any written documentation that accompanies the digital element occurrence data are an integral part of the data. Failure to use this written material in conjunction with the digital data constitutes misuse of the data.
2. The Recipient understands that digital data provided under this agreement are not a legal substitute for the Biotics database which is maintained by the NDNHI. Should any discrepancy exist between the digital data and the Biotics database, the Biotics database is the correct source of information.
3. The Recipient understands that the databases which make up the Biotics database are continually growing as new habitats and occurrences of rare species and communities are discovered and that the digital data provided under this agreement may therefore become obsolete. The NDNHI add, delete and change records on a daily basis. Consequently, the NDNHI advises that the recipient plan to update the data set on an annual to bi-annual basis. It is the Recipient's responsibility to use a current copy of the Biotics database for analysis or other work. The NDNHI agrees to supply data update service for digital data. The data shall consist of one bi-annual update of licensed digital data unless otherwise specified.
4. The Recipient understands that these digital data cannot be relied on as a definitive statement of the location of rare species or significant natural communities.
5. The Recipient agrees not to release copies of the data outside agency unless required by law.
6. The Recipient understands that as a professional courtesy, the acknowledgment of the NDNHI should be noted as a source for the information, whenever use of the data occurs in reports, papers, publications, or in maps that incorporate Biotics graphic elements.

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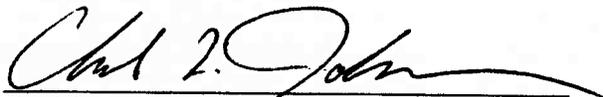
7. The Recipient agrees with the attached "North Dakota Natural Heritage Inventory Biotics Data Disclaimer".

8. The Recipient understands that the NDNHI data require a certain degree of biological expertise for proper analysis, interpretation and application. To as much degree as possible, given limited staff and time, the NDNHI is available by phone or letter to advise in the technical aspects of the data. The NDNHI can also arrange a Natural Heritage Inventory data use training and orientation. The Recipient understands that it is their responsibility to insure the data obtained from the NDNHI are not misapplied.

9. The Recipient understands that the term of this agreement shall expire within two years at time of signatures unless the Recipient fails to comply with any of the terms and conditions provided herein at which time the agreement will be terminated.

ND Natural Heritage Inventory Coordinator

Date



Recipient

2/14/06
Date

ENSR

Agency, Company, Organization

North Dakota Natural Heritage Inventory Biotics Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

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**ND Parks and
Recreation Department**

ND Natural Heritage Inventory
1600 East Century Ave., Suite 3
Bismarck, ND 58503-0649
(701) 328-5370 FAX: (701) 328-5363

INVOICE

**INVOICE NO: 0054
DATE: 2/8/2006**

To: Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

CONTACT	REFERENCE NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS
K.Duttenhefner	R.USNDNHI*1623	2/8/2006			

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Computer data search, data retrieval .	\$ 60.00	\$ 60.00
SUBTOTAL			\$ 60.00
SALES TAX			
SHIPPING & HANDLING			
TOTAL DUE			\$ 60.00

Make all checks payable to: ND Parks and Recreation Department
If you have any questions concerning this invoice, call: Kathy Duttenhefner, (701) 328-5370

THANK YOU FOR YOUR INTEREST IN RARE SPECIES CONSERVATION.

Johnson, Charlie

From: Johnson, Charlie
Sent: Tuesday, February 14, 2006 1:11 PM
To: Tillquist, Heidi
Cc: Ellis, Scott; Caddis, Karen; Walsh, James; 'T. Michael Phelan'
Subject: ND NHP DATA

ND NHP data provided an excel spread sheet containing SOC species for ND. Merlyn also has shapefile data for occurrences along the route in ND. Please be advised, the ND-NHP and IL-NHP data is considered extremely sensitive and is not to leave ENSR, based on a signed contract between ENSR and these NHPs. I am assuming we should treat all NHP data this way.

HT and SE - the ND-NHP invoiced us for \$60.00. I will take care of this.

Charles Johnson
Senior Wildlife Biologist
ENSR Corporation
1601 Prospect Parkway
Fort Collins, CO 80525
Phone (970) 493-8878
Fax (970) 493-0213

January 24, 2006

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
tel 970.493.8878
fax 970.493.0213
email
cjohnson@ensr.aecom.com
web www.transcanada.com

Steve Dyke
Conservation Supervisor
Conservation and Communications Division
North Dakota Game and Fish Department
100 N. Bismarck Expressway
Bismarck, ND 58501-5095

Dear Mr. Dyke:

TransCanada is planning to construct and operate a 1,830-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). ENSR Corporation (ENSR) has been retained by TransCanada to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for the proposed Keystone Pipeline Project (Project) within the U.S. In the U.S., the proposed Project would consist of approximately 1,070 miles of new pipeline constructed from the U.S.-Canada border in Pembina County, North Dakota to terminals and refineries in Salisbury (Chariton County), Missouri, Wood River (Madison County), and Patoka (Marion County), Illinois. TransCanada would construct the new pipeline within a temporary 110-foot-wide construction right-of-way (ROW). After construction and reclamation, the ROW would revert to a 60-foot-wide permanent ROW. TransCanada proposes to begin construction in the spring of 2008, with the system in-service by the end of 2009.

The Project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. The Project will meet all federal, state and local regulatory requirements and will implement an Integrity Management Program to help ensure public safety and to protect the environment. Flow meters and delivery metering stations will measure the amount of product transported and delivered to terminals. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations and motor operated valves (MOVs) located along the pipeline route. Local power providers will be responsible for obtaining the necessary approvals and authorizations for any such construction.

National Environmental Policy Act Process



Steve Dyke
January 24, 2006
Page 2

The Department of State governs the issuance of Presidential Permits for crude oil pipelines across U.S. borders and will be the federal lead for the NEPA process. In evaluating the Presidential Permit application (including an EA), the Department of State will solicit the views of other federal agencies, including the Department of Interior. Based on public and agency input, the Department of State will review the EA to determine whether a Finding of No Significant Impact (FONSI) is appropriate or whether an Environmental Impact Statement must be prepared with respect to potential significant environmental impacts within the U.S. In addition to the NEPA process, the Department of State must comply with other requirements and regulations, including the Endangered Species Act.

Information Request

Enclosed is an overview map of the entire proposed route that traverses parts of North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois. In North Dakota, the Project will cross portions of Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent counties (see attached Overview Map and CD with the Electronic Centerline).

On behalf of TransCanada, ENSR would like to provide an opportunity for North Dakota Game and Fish Department (NDGFD) biologists and botanists to identify prominent terrestrial and aquatic resource issues or concerns that may occur within or adjacent to the project area, focusing on species that are either sensitive (e.g., state-listed), have high economic value (e.g., big game, waterfowl), or are considered important by the state (e.g., raptors, bats). Please forward this request to the applicable specialists (e.g., fisheries and/or wildlife biologists, habitat biologists, botanists, etc.) so they may provide information and input. Resource information provided by the NDGFD will be reflected in the environmental baseline description pertaining to the project. If applicable, please send electronic files for our environmental analysis to:
cjohnson@ensr.aecom.com.

Where it appears that possible or probable concerns relative to sensitive species or habitats may occur, please indicate whether surveys might be required, as well as the preferred methodology and level of effort you would consider acceptable for the surveys.



Steve Dyke
January 24, 2006
Page 3

ENSR also is contacting the U.S. Fish and Wildlife Service and State Natural Heritage Program to request sensitive species information and to obtain input regarding the proposed Project route in North Dakota. If you have any questions regarding this request, please call me at (970) 493-8878. You also may direct project-related questions to the ENSR project manager, Scott Ellis, at the same number. Thank you in advance for your prompt response to this request.

Sincerely,

A handwritten signature in cursive script that reads 'Charles Johnson'.

Charles Johnson
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map
CD

January 24, 2006

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
tel 970.493.8878
fax 970.493.0213
email cjohnson@ensr.aecom.com
web www.transcanada.com

Chris Dirk
Planning & Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503-0649

Dear Ms. Dirk:

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Chris Dirk
January 24, 2006
Page 2

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Information Request

Enclosed is an overview map of the entire proposed route that traverses parts of North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois. In North Dakota, the Project will cross portions of Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent counties (see attached Overview Map and CD with the Electronic Centerline).

In order to address potential impacts to aquatic and terrestrial plant and animal species, we are requesting occurrence data for:

- Federally listed, proposed, and candidate species;
- Designated critical habitat of federally listed species;
- State listed or state sensitive species; and
- Unique ecosystems or sensitive communities.

Because of the mobility of wildlife species, ENSR would like to request sensitive wildlife information 5 miles beyond the Project boundary. We also would like to request sensitive plant data 3 miles beyond the Project boundary. If applicable, please send electronic files for our environmental analysis to: cjohnson@ensr.aecom.com.

ENSR also is contacting the U.S. Fish and Wildlife Service and North Dakota Game and Fish Department to request sensitive species information and to obtain input regarding the proposed Project route in North Dakota. If you have any questions regarding this request, please call me at (970) 493-8878. You also may direct project-related questions to the ENSR project manager, Scott Ellis, at the same number. Thank you in advance for your prompt response to this request.

Sincerely,

Charles Johnson
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map
CD